

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

SONYA STEPHENSON and SELVIN)	
STEPHENSON, through his)	
Mother, Sonya Stephenson,)	
)	
Plaintiff,)	Case No. 3-09-0368
)	Jury Demand
Vs.)	Judge Haynes
)	
THE KROGER CO.,)	
)	
Defendant.)	

STIPULATION OF DISMISSAL

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Plaintiff Sonya Stephenson ("Mrs. Stephenson") and Selvin Stephenson through his mother, Mrs. Stephenson (collectively "Plaintiffs") and Defendant Kroger Co. being the only parties who have appeared in this case, hereby voluntarily stipulate to the dismissal of this case with prejudice. A proposed order dismissing the case is attached hereto as Exhibit A.

Respectfully submitted,

s/ Donna L. Roberts

Donna L. Roberts (BPR # 022249)
STITES & HARBISON, PLLC
SunTrust Plaza
401 Church Street, Suite 800
Nashville, TN 37219
Phone: (615) 782-2345
Fax: (615) 742-0714
Email: donna.roberts@stites.com

Attorney for Defendant Kroger Co.

s/Kerry Knox w/permission

Kerry Knox
CASTELLI & KNOX, LLP
117 South Academy Street
Murfreesboro, TN 37130

Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of February, 2010, a copy of the foregoing Stipulation of Dismissal was served by U.S. Mail, postage prepaid, upon the following:

Thomas H. Castelli
Kerry Knox
CASTELLI & KNOX, LLP
117 South Academy Street
Murfreesboro, TN 37130

s/ Donna L. Roberts

DONNA L. ROBERTS